108TH CONGRESS
1ST SESSION

H. R. 726

To require licenses for the sale, purchase, and distribution of certain chemicals that are precursors to chemical weapons, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 12, 2003

Mr. ENGEL (for himself, Mr. ISRAEL, Mrs. MALONEY, Ms. NORTON, Mr. GRIJALVA, Mr. CASE, Mr. BISHOP of New York, and Mr. OWENS) introduced the following bill; which was referred to the Committee on Energy and Commerce

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A BILL

To require licenses for the sale, purchase, and distribution of certain chemicals that are precursors to chemical weapons, and for other purposes.

1　　*Be it enacted by the Senate and House of Representa-*

2　*tives of the United States of America in Congress assembled,*

3　**SECTION 1. SHORT TITLE.**

4　　This Act may be cited as the "Chemical Attack Pre-

5　vention Act".

6　**SEC. 2. DEFINITIONS.**

7　　For purposes of this Act:

8　　　　(1) The term "chemical weapon precursor"

9　　means a Schedule 1 chemical agent or a Schedule 2

1 chemical agent, as such terms are defined in section

2 3 of the Chemical Weapons Convention Implementa-

3 tion Act of 1998 (22 U.S.C. 6701).

4 (2) The term "licensee" means a person holding

5 a license under this Act.

6 (3) The term "qualified person" means a per-

7 son found by the Secretary to meet such qualifica-

8 tions as the Secretary may, by rule, prescribe to pro-

9 tect the public health and safety from the misuse of

10 chemical weapon precursors. No person who has

11 been convicted of a criminal offense under this Act

12 or under any similar or related provision of Federal

13 or State law shall be a qualified person for purposes

14 of this Act.

15 (4) The term "Secretary" means the Secretary

16 of Commerce.

17 **SEC. 3. LICENSE REQUIRED.**

18 After December 31, 2003, no person may purchase,

19 sell, or distribute in interstate commerce any chemical

20 weapon precursor unless such person is licensed under sec-

21 tion 4.

22 **SEC. 4. ISSUANCE OF LICENSES.**

23 (a) APPLICATION.—Any qualified person may submit

24 to the Secretary an application for a license to purchase,

1 sell, or distribute in interstate commerce a chemical weap-

2 on precursor.

3 (b) ISSUANCE.—Upon receiving an application con-

4 taining such information as the Secretary may require, the

5 Secretary is authorized to issue a license to such person

6 to purchase, sell, or distribute in interstate commerce a

7 chemical weapon precursor if the Secretary finds that such

8 person is a qualified person and if such person agrees to

9 comply with this Act and the regulations under this Act.

10 (c) TERM; REVOCATION.—A license under this sec-

11 tion shall remain in effect for such term as the Secretary

12 may prescribe, except that the Secretary may at any time

13 revoke such license if the Secretary determines that the

14 licensee has failed or refused to comply with this Act or

15 any regulation under this Act.

16 **SEC. 5. REQUIREMENTS FOR MAINTENANCE OF LICENSE.**

17 Each licensee shall comply with each of the following

18 requirements and such other requirements as the Sec-

19 retary may establish by rule to carry out the purposes of

20 this Act:

21 (1) The licensee shall report any suspicious pur-

22 chases of chemical weapon precursors.

23 (2) The licensee shall maintain and make avail-

24 able to the Secretary and to Federal, State, and

25 local law enforcement authorities records of the pur-

1 chase, sale, or distribution of chemical weapon pre-

2 cursors. Such records shall be in such form and shall

3 contain such information as the Secretary shall, by

4 rule, prescribe.

SEC. 6. PENALTIES FOR VIOLATION.

6 Any person who violates any provision of this Act or

7 any regulation under this Act shall be subject to a civil

8 penalty of not more than $10,000 for a first offense and

9 not more than $20,000 for a second or subsequent offense.

10 If such violation was intentional, such person shall be sub-

11 ject to a criminal penalty of up to 10 years in prison in

12 addition to such civil penalties.

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